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Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

LUANE CLYMO,

Plaintiff,

v.

AMERICAN STATES INSURANCE
COMPANY,

Defendant.

Civil No.: _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to U.S.C. § 1332, 28 U.S.C. § 1441(b), and 28 U.S.C. § 1446, American States Insurance Company files this Notice of Removal on the following grounds:

1. American States Insurance Company is named in a civil action filed in the Circuit Court for the State of Oregon for the County of Baker (the “State Court Action”),

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entitled *Luane Clymo v. American States Insurance Company*, Case No. 17CV55736.

2. The State Court Action commenced when Plaintiff's Complaint was filed with the Court Clerk of Baker County, Oregon on or about December 26, 2017.

3. Plaintiff delivered a Summons and a copy of the Complaint to the Registered Agent for American States Insurance Company on or about December 29, 2017.

4. American States Insurance Company is a corporation permitted to transact insurance business in the State of Oregon.

5. The removal of this case is timely, in that this Notice of Removal is being filed within 30 days of the service of the Summons and Complaint.

6. The following are true copies of all of the process, pleadings, and orders received in this action to date:

Summons	Exhibit 1 (page 1)
Complaint	Exhibit 1 (pages 2-9)

7. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C § 1446 (b).

8. Complete diversity exists. Plaintiff Luane Clymo is an individual residing in Baker County, Oregon. American State Insurance Company is organized under the laws of the State of Indiana, and its principal place of business is in Boston, Massachusetts. A declaration of Robert Chasse will be filed with the court confirming this representation of the place of organization and principal place of business of American States Insurance Company.

9. In the above-entitled action, Plaintiff Clymo alleges breach of an insurance

contract, policy number 01-FF-186147-5, breach of the implied duty of good faith, and negligence *per se* for amounts owed as property damage, bodily injury, and non-economic damages.

10. The insurance contract, policy number 01-FF-186147-5, identified in Plaintiff's Complaint, was issued by American States Insurance Company.

11. The amount in controversy in this matter exceeds \$75,000, exclusive of interest and costs.

12. In her first and second claims for relief of the Complaint, Plaintiff Clymo seeks an award of economic damages in an amount not to exceed \$135,000.

13. In her third claim for relief, Plaintiff Clymo seeks an award of economic and non-economic damages in an amount not to exceed \$240,000.

14. Subject to a reservation of all of its defenses, American States Insurance Company is concurrently filing a Notice of Removal to the Federal Court with the Clerk of Baker County Circuit Court in accordance with 28 U.S.C. § 1446 (d).

DATED: January 26, 2018

BULLIVANT HOUSER BAILEY PC

By /s/ John A. Bennett

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